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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,169	12/13/2001	Klaus Klinkenberg	DE 000236	3945

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EXAMINER

GUHARAY, KARABI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,169

Applicant(s)

KLINKENBERG ET AL.

Examiner

Karabi Guharay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120.

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: ---HIGH PRESSURE DISCHARGE LAMP WITH REFLECTION LAYER ON THE NECK PORTION-----.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance,

Claim 6 recites the broad recitation "layers of alternating high or low refractive index", and the claim also recites, "made of metal oxide" which is the narrower statement of the limitation.

Claim 8 recites the broad recitation "a metal oxide", and the claim also recites, "in particular of zirconium oxide" which is the narrower statement of the limitation.

Claim 9 recites the broad recitation "a metal material", and the claim also recites, "in particular of aluminum" which is the narrower statement of the limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Seki et al. (US 6084352).

Regarding claim 1, Seki et al. disclose a high-pressure discharge lamp (Fig 1) with a substantially elongated bulb, which has two neck regions (sealed portions 2, 3) and a vacuum tight chamber 1 in a central position, characterized in that at least one neck region (2, 3) is provided at least partly with a reflection layer (15, 16, lines 14-15, and 56-63 of column 3).

Regarding claim 2 Seki et al. teaches that the reflector layer (15, 16) is aluminum film (line 28 of column 4), which inherently reflects in the visible and infrared spectral region (heat).

Regarding claim 3, Seki et al. discloses that the reflector film (15, 16) are provided on the outside in the neck region (Fig 1 and Fig 2).

Regarding claim 4, Seki discloses that the reflector layer is a metal layer (aluminum).

Regarding claim 5, Seki et al. discloses that the reflector layer is provided in the neck region over a width of at most 10 mm measured from the start (see Claim 6).

Claims 1-4, & 6-8, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Parham et al. (US 5676579).

Regarding claims 1-4, 6, Prahm et al. discloses a high-pressure lamp discharge lamp (Fig 11) with a substantially elongated bulb, which has two neck regions (162, 164) and a vacuum tight chamber 216 in a central position, characterized in that at least one neck region (2, 3) is provided at least partly with a reflection layer on its outer surface, which is a dielectric interference filter (interference filter 190, lines 24-32 of column 7) comprising layers of alternating high and low refractive index metal oxide (lines 32-34 of column 1), which reflects visible and infrared light (lines 8-15 of column 13).

Regarding claims 7-8, Prahm et al. discloses a reflector lamp (Fig 2) with a reflector (52) and a high pressure lamp (54) arranged in the reflector (52) along the

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optical axis, with a substantially elongated bulb, which has two neck regions (62, 64) and a vacuum tight chamber (1) in a central position, characterized in that at least one neck region (62, 64) is provided at least partly with a reflection layer (90, lines 50 of column 5-line 12 of column 6), wherein a cold light mirror (optical interference coating, having metal oxide layers) applied on the inside of the reflector (lines 16-22 of column 6).

Regarding claims 10-11, Praham discloses a projection system (high pressure discharge lamp fitted on the axis of the parabola) with the discharge lamp as disclosed in claim 1 or 7 (see rejection of claim 1 or 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooms (US 5506464), and further in view of Seki et al. (US 6084352).

Regarding claim 7, Ooms discloses reflector lamp (Fig 1) with a reflector 1 and a high-pressure lamp 10 arranged along the optical axis 4 and having a substantially elongate bulb having two neck regions (14, 15) and a vacuum tight discharge chamber 12 in a central position (lines 42-62 of column 3). But Ooms fails to disclose that the neck region facing the reflector opening is at least partly provided with a reflection layer.

However, Seki et al. disclose a lamp having reflector layer (15, 16) of aluminum on the neck portion (2, 4) in order to decrease the temperature of the sealed end of the lamp while lamp is burning, thus have superior service life (lines 63-67 of column 1).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include reflection coatings as disclosed by Seki et al., in the device of Ooms, since this will reduce the temperature of the sealed ends containing molybdenum foil at lower temperature, consequently increases quality service life of the lamp.

Regarding claim 9, Ooms discloses that a metal layer such as aluminum layer is arranged on the inside of the reflector 1 (lines 49-50 of column 3)

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Seki et al. (US 2001/0048273).

Contact Information

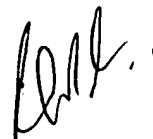
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.G

Karabi Guharay
Patent Examiner
Art Unit 2879



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